## **Debbie Beadle**

From:

Evan Maxim

Sent:

Thursday, April 19, 2012 2:08 PM

To:

Kamuron Gurol; Susan Cezar

Cc:

Kathy Curry; Debbie Beadle; Carl de Simas

Subject:

FW: ECA & Comprehensive Plan Amendment

FYI

Evan Maxim Senior Planner City of Sammamish 425.295.0523

From: Evan Maxim

Sent: Wednesday, April 18, 2012 3:47 PM

**To:** 'greg@gregorykipp.com'

Subject: RE: ECA & Comprehensive Plan Amendment

Good Afternoon Greg,

Regarding your specific question, I believe net density is discussed on pages III-3 and III-4 of the Land Use Element (understood that this is not an explicit policy or goal per se).

I think you have actually alluded to the basic concern though with the comment about the growth forecasting incorporated into the Comprehensive Plan. The Growth Management Act requires that the city plan for growth through land use forecasting and then address that growth through the provision of capital facilities (streets, utilities, etc.). The capital facilities element then serves as part of the basis for our impact fees.

Consequently eliminating net density altogether (or even a significant alteration) will require that the city modify its growth forecasting and the corresponding capital facilities planning. We are anticipating such an update in 2015.

The proposed change is also outside of the scope adopted by the City Council, which they have recently re-affirmed on April 3, 2012 during a regular update on the ECA regulation update process.

I hope this helps clarify, but please let me know if you have additional questions.

Regards,

Evan Maxim Senior Planner City of Sammamish 425.295.0523

**From:** greg@gregorykipp.com [mailto:greg@gregorykipp.com]

Sent: Thursday, March 29, 2012 4:14 PM

To: Evan Maxim



Cc: Kamuron Gurol

**Subject:** ECA & Comprehensive Plan Amendment

Hi Evan -- I just took a look at the Public Comments section of the ECA website and noticed that city staff have determined that a Comprehensive Plan Amendment would be required to change SMC 21A.25 regarding the density calculations for property on which critical areas exist.

I would appreciate it if you would refer me to the specific Comprehensive Plan Policy that would need to be amended.

I see that the methodology for estimating the City's growth forecast incorporated the reduction of critical areas, however I cannot find a specific policy that dictates deducting critical areas from the underlying zoned density when calculating the allowable density for a parcel. Absent such a policy, it would seem to me that the City Council has the discretion to change SMC 21A.25.

Thank you.

Greg

Gregory Kipp Consulting P.O. Box 4501 Seattle, WA 98194 206.769.2775

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Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.

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The Cowardin system uses surface water and vegetation exclusively for classifying wetlands and does not require saturated soil conditions, which are required by federal (33 CFR 328 (3) (b)), the State of Washington Growth Management Act (RCW 36.70A) and the The federal definition from 33 CFR 328 (3) (b) is:

(b) The term wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The definition for a wetland in the Growth Management Act (RCW 36.70A.030 – Definitions) is:

(21) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grasslined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

The City of Sammamish Code has at least two very different definitions for what a wetland is and definitions do not conform with either federal or state definitions. The City of Sammamish Code definitions for a wetland are:

# 25.10.580 Wetlands.

"Wetland," "associated wetlands," or "wetland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and the entire 100-year floodplains associated with the streams, lakes and tidal waters that are subject to the provisions of this title, the same to be designated as to location by the Washington State Department of Ecology. Floodplains shall not include those areas that are effectively protected from the 100-year flood by authorized flood control devices or other legal improvements. (Ord. O99-29 § 1)

#### 25.02.010 Definitions.

(97) Wetland, Associated. "Associated wetland" means wetlands that are in proximity to lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include but are not limited to: location contiguous to a shoreline water body, presence of a surface connection including through a culvert or similar device, location in part or whole within the 100-year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity. (Ord. O2011-308 § 1 (Att. A))

21A.15.1415 Wetlands. - Critical areas -

"Wetlands" are those areas in the City of Sammamish designated in accordance with the Washington State Wetlands Identification and Delineation Manual (1997, as amended). Wetlands are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grasslined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2004, or as revised). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below:

- (1) Category 1. Category 1 wetlands include those that receive a score of greater than or equal to 70 based on functions, or those that are rated Category 1 based on special characteristics as defined in the rating form.
- (2) Category 2. Category 2 wetlands include those that receive a score of 51 through 69 based on functions, or those that are rated Category 2 based on special characteristics as defined in the rating form.
- (3) Category 3. Category 3 wetlands include those that receive a score of 30 through 50 based on functions.
- (4) Category 4. Category 4 wetlands score less than 30 points based on functions. (Ord. O2005-193 § 2; Ord. O2003-132 § 10)

## The City of Sammamish has one (very long) definition for a stream:

#### 21A.15.1240 Streams.

"Streams" means those areas in the City where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or storm water runoff conveyance devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction of such watercourses. For the purpose of this definition, a defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. For the purpose of defining the following categories of streams, normal rainfall is rainfall that is at or near the mean of the accumulated annual rainfall record, based upon the water year for King County as recorded at the Seattle-Tacoma International Airport.

(1) Streams shall be classified according to the following criteria:

- (a) Type S streams are all streams inventoried as "shorelines of the state" under the City's shoreline master program. No Type S streams have been identified in the City as of September 1, 2005.
- (b) Type F streams are those streams that are used by salmonids, have the potential to support salmonid uses, or that have been identified as being of special significance. Streams of special significance are those perennial reaches designated by the City based on historic fish presence and/or the probability of restoration of the following:
- (i) George Davis Creek;
- (ii) Ebright Creek;
- (iii) Pine Lake Creek; and
- (iv) Laughing Jacobs Creek, below Laughing Jacobs Lake.
- (c) Type Np streams which are perennial during a year of normal rainfall and do not have the potential to be used by salmonids. Type Np streams include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations, then the point of perennial flow should be determined using the best professional judgment of a qualified professional.
- (d) Type Ns streams which are seasonal or ephemeral during a year of normal rainfall and do not have the potential to be used by salmonids.
- (2) For the purposes of this definition, "used by salmonids" and "potential to support salmonid uses" is presumed for:
- (a) Streams where naturally reoccurring use by salmonid populations has been documented by a government agency;
- (b) Streams that are fish passable by salmonid populations from Lake Sammamish, as determined by a qualified professional based on review of stream flow, gradient and barriers and criteria for fish passability established by the Washington Department of Fish and Wildlife; and
- (c) Streams that are planned for restoration in a six-year capital improvement plan adopted by a government agency that will result in a fish passable connection to Lake Sammamish. (Ord. O2005-193 § 2; Ord. O2003-132 § 10)